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SENATE BILL 2661 By  
Crowe

HOUSE BILL 2784  
By Turner (Ham)

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 39, relative to the "Sexual Offender Registration and Monitoring Act".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-39-102, is amended by adding the following new definitions to be numbered (4), (5), (6) and (7) and by renumbering the existing number (4) as number (8):

(4) "Sexually violent offense" means the commission of any act that constitutes the criminal offense of:

- (A) Aggravated rape under § 39-13-502;
- (B) Rape under § 39-13-503;
- (C) Aggravated sexual battery under § 39-13-504;
- (D) Rape of a child under § 39-13-522; or
- (E) Criminal attempt to commit any of the offenses listed above under § 39-12-101.

Any conviction for an offense in a federal court, military court or court of another state or territory which under the laws of this state would be classified as

a violation of any of the offenses listed in this definition shall be treated as a "sexually violent offense."

(5) "Sexually violent predator" means a person who has been convicted of a sexually violent offense and who suffers from a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses. A determination of whether a person is a sexually violent predator shall be made by a court after considering the recommendation of a board composed of experts in the behavior and treatment of sex offenders, victims' rights advocates and representatives of law enforcement agencies.

(6) "Mental abnormality" means a congenital or acquired condition of a person that affects the emotional or volitional capacity of the person in a manner that predisposes that person to the commission of criminal sexual acts to a degree that makes the person a menace to the health and safety of other persons.

(7) "Predatory" means an act directed at a stranger or a person with whom a relationship has been established or promoted for the primary purpose of victimization.

SECTION 2. Tennessee Code Annotated, Section 40-39-107, is amended by adding the following new subsection (g):

(g) A person required to register under this Chapter shall continue to comply with the registration and monitoring requirements for the life of that person if that person:

(1) Has one or more prior convictions for a sexually violent offense as defined in § 40-39-102(4); or

(2) Has been convicted of a sexually violent offense as described in § 40-39-102(4); or

(3) Has been determined to be a sexually violent predator as described in § 40-39-102(5).

SECTION 3. Tennessee Code Annotated, Section 40-39-103, is amended by deleting from the first sentence of subsection (a) the language "and within ten (10) days after coming into a municipality or county in which the sexual offender temporarily resides or is domiciled" and substituting instead the language "and within ten (10) days after coming into a municipality or county in which the sexual offender temporarily resides or is domiciled or is employed, carries on a vocation or is a student".

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.